

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 29, 2007**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J. (Assigned) and S. Stahl, Deputy Clerk.

Each of the following:

B197379      DCFS v. Wilbur H.  
B197841      DCFS v. Rosario S.

Argument waived, cause submitted.

B184660      Boynton  
                 v.  
                 City of Los Angeles et al.

Merits:

Argued by Burton Mark Senkfor for appellant; by Hiren Patel, Deputy Attorney General, for respondent Department of Justice and by Kim R. Westhoff, Deputy City Attorney, for respondent City of Los Angeles.  
Cause submitted.

B191814      Lake Avenue Church  
                 v.  
                 Atlantic Mutual Insurance Company

Merits:

Argued by Steven L. Zelig for appellant and by Gary R. Selvin for respondent. Cause submitted.

DIVISION ONE (continued)

Vogel, J. leaves the bench.

B192717     Connor  
                 v.  
                 Kennedy et al.

Merits:

Argued by John D. Guerrini for appellants and by Steven E. Young for respondent. Cause submitted.

Vogel, J. returns to the bench.

Mallano, Acting P.J. leaves the bench.

B196815     Northrop Grumman Corporation et al.  
                 v.  
                 Bob Parrett Construction Inc. et al.

Merits:

Argued by Gregory P. Barbee for appellants; by Michael C. Denison for respondents Bob Parrett Construction Inc. et al. and by Julian Pollock for respondent Bochesa. Cause submitted.

Mallano, Acting P.J. returns to the bench.

Jackson, J. (assigned) leaves the bench.

B199231     Hollander et al.  
                 v.  
                 XL Capital Ltd. et al.

Merits:

Argued by A. Tod Hindin for appellants and by Bennett Evan Cooper for respondents. Cause submitted.

Jackson, J. (assigned) returns to the bench.

DIVISION ONE (continued)

B196367      Quihuis  
                 v.  
                 City of Los Angeles et al.

Merits:  
Argued by Diane Marchant for appellant and by Gerald Sato, Deputy City Attorney, for respondent. Cause submitted.

Court recessed.

Court reconvened at 12:05 p.m.

Present: Mallano, Acting P.J., Rothschild, J., Jackson, J. (Assigned) and S. Stahl, Deputy Clerk.

B196683      Blaschke  
                 v.  
                 Rosetel Systems Corporation

Merits:  
Argued by Timothy D. McGonigle for appellant and by Gregory L. Doll for respondent. Cause submitted.

B189435      Morrow  
                 v.  
                 Meyer etc. et al.

Merits:  
Argued by Keith Alan for appellant and Raymond B. Jue, Deputy Attorney General, for respondents. Cause submitted.

DIVISION ONE (continued)

B190108      Chino Valley Pathology Medical Group et al.  
                 v.  
                 Doctor's Hospital Medical Center for Montclair et al.

Merits:

Argued by Joseph Andrews for appellants and by Glenn E. Solomon for respondents. Cause submitted.

Vogel, J. returns to the bench.

Rothschild, J. leaves the bench.

B182561      Richard J. Perrillo  
                 v.  
                 Picco & Presley et al.

Merits:

Argued by John E. Cassinat for respondent/appellant Perrillo; by Jeffrey E. Raskin for appellant/respondent Picco & Presley and David Pruett for appellant/respondent Iacopino. Cause submitted.

B185110      Richard J. Perrillo  
                 v.  
                 Picco & Presley et al.

Merits:

Argued by Heather Appleton for appellant; by David P. Pruett for respondent Iacopino and by Jeffrey E. Raskin for respondent Picco & Presley. Cause submitted.

Jackson, J. (Assigned) leaves the bench.

Rothschild, J. returns to the bench.

November 29, 2007 (Continued)

## DIVISION ONE (continued)

B191454      Shannon S. Van Heyningen  
v.  
Pacific Maritime Association et al.

Merits:

Argued by Susan J. Hartley for appellant; by Myrna Villegas for respondent Pacific Maritime; by Eleanor I. Morton for respondent ILWU Local 63 and by John Kim for respondent ILWU Local 13. Cause submitted.

Court adjourned.

B195990      People                                  (Not for Publication)  
v.  
Leslie Buckner

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                      Rothschild, J.

B197379      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Jovan C.  
Wilbur P.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                      Rothschild, J.

DIVISION ONE (continued)

B189573      Indyway Investment                      (Not for Publication)  
                 v.  
                 Debra A. Opri et al.

The judgment and the order are affirmed. Debra Opri and Opri & Associates are entitled to their costs and attorney fees on appeal. The motion of Debra Opri and Opri & Associates requesting attorney fees on appeal is granted in amount determined by the trial court on remand. The motion for Debra Opri and Opri & Associates requesting sanctions on appeal is denied.

Mallano, J.

We concur:    Vogel (Miriam A.), Acting P.J.  
                 Jackson, J. (Assigned)

B192051      Carol Ann Yeoman                      (Not for Publication)  
                 v.  
                 Gerald A. Belgard  
                 Linda Rogers

The order is affirmed.

Mallano, Acting P.J.

We concur:    Rothschild, J.  
                 Jackson, J. (Assigned)

DIVISION TWO

[illegible]

The judgment is affirmed. Appellant shall pay the costs of appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

B194464      Esprit One LLC      (Not for Publication)  
v.  
County of Los Angeles et al.

The judgment is affirmed. The County is awarded its costs on appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

B191534 People (Not for Publication)  
v.  
Timoty J.

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

## DIVISION TWO (continued)

B192745 People (Not for Publication)

V.

Beall

The matter is remanded with directions to the trial court to hold a new sentencing hearing on count 3. The abstract of judgment is modified to reflect that appellant shall be awarded a total of 391 days of presentence credit, consisting of 340 days in actual custody and 51 days in conduct credits. The abstract of judgment is corrected to reflect that appellant was convicted of violating section 273a, subdivision (a), by jury, and the trial court stayed sentence on count 3. The trial court is ordered to send a certified copy of the modified and corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.

Doi Todd, J.

B191534 People (Not for Publication)

V.

Timoty J.

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.



November 29, 2007 (Continued)

## DIVISION TWO (continued)

B190754 People (Not for Publication)  
v.  
Atkins

The judgment is affirmed.

Chavez, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

[illegible]

The judgment is affirmed.

Chavez, J.

We concur:   Doi Todd, Acting P.J.  
                    Ashmann-Gerst, J.

## DIVISION THREE

B197847 People (Not for Publication)  
v.  
Vincent P. Wilkerson

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

### DIVISION THREE (continued)

B198957 People (Not for Publication)

V.

Phillip Dewayne Walker

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION FOUR

B193727 People (Not for Publication)

V.

Lopez

The superior court is directed to prepare a corrected abstract of judgment to delete any reference to a section 12022.53 firearm enhancement on count two, being a felon in possession of a firearm. The court is to forward a corrected copy of the abstract to the Department of Corrections. The judgment, as corrected, is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

November 29, 2007 (Continued)

## DIVISION FOUR (continued)

B200976      Glen P.      (Not for Publication)

v.  
Superior Court, Los Angeles County  
(DCFS, r.p.i.)

The petition is denied.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

DIVISION SIX

B189730 LeSage (Not for Publication)

V.  
LeSage

The judgment in B189730 (Super. Ct. Nos. FL 03-0421 and CV 04-0212) is affirmed. Respondents are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B194359 People (Not for Publication)

## V. Shellhouse

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

## DIVISION SIX (continued)

B191028      Wysinger      (Certified for Publication)

V.

Automobile Club of Southern California

Wysinger's appeal concerning an erroneous jury instruction is moot. The judgment is affirmed. Costs on appeal are awarded to Wysinger.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B194359 People (Not for Publication)

V.

## Shellhouse

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B193215 People (Not for Publication)

V.

Movsesyan

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SIX (continued)

B196144      People      (Not for Publication)  
v.  
Ybarra

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

[illegible]

The orders awarding attorney fees and sanctions are affirmed. Joanne is awarded fees and costs on appeal, in an amount to be determined by the trial court. (section 2030.)

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B199256 San Luis Obispo County DPSS (Not for Publication)  
v.  
Samantha D., et al.,

The orders are affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

November 29, 2007 (Continued)

## DIVISION SEVEN

B193471      Riegert      (Not for Publication)  
v.  
Barker, et al.

The judgment is affirmed. Defendants are to recover their costs on appeal.

Perluss, P.J.

I concur: Woods, J.  
I dissent: Johnson, J. (Opinion)

## DIVISION EIGHT

Court convened at 10:30 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B190634      Zina Brawer  
v.  
Harry L. Brawer et al.,

Merits:  
Argument presented via teleconference by Janice Mazur for appellant and by Lee Salisbury for respondents. Cause submitted.

Court Adjourned.

B195620 People (Not for Publication)  
v.  
Galindo

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

## DIVISION EIGHT (continued)

B194467 People (Not for Publication)  
v.  
Nava

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B197641 People (Not for Publication)  
v.  
O'Rise

The judgment is affirmed. If it has not already done so, the trial court is directed to issue an amended abstract of judgment reflecting (1) 852 days of actual presentence credit and 110 days of conduct credit, for a total of 962 days of credit; and (2) a total prison term of 11 years.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B191769 People v. Harvey (Not for Publication)

The order denying Harvey's motion to vacate/petition for writ of coram nobis is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

## DIVISION EIGHT (continued)

B188195 People (Not for Publication)  
v.  
Chavez

The judgment is reversed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B192347 People (Not for Publication)  
v.  
Matirne

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B190006      People  
v.  
Kamal

(Not for Publication)

The judgment is reversed and the matter is remanded for retrial.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.



DIVISION EIGHT (continued)

B187273      Richeson et al.,      (Not for Publication)  
                 v.  
                 Helal et al.,

The judgment is reversed with directions to the trial court to vacate the injunction and order granting respondents attorney fees and costs, to enter judgment for appellants and to proceed in conformance with this opinion in all other respects. Appellants are to recover their costs on appeal.

Flier, J.

We concur:   Cooper, P.J.  
                 Rubin, J.

B197125      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Trina C.,  
                 In re Andre C., a Person Coming Under the Juvenile Court Law.

The matter is remanded to permit respondent Department of Children and Family Services to comply with the notice requirements of the Indian Child Welfare Act.

Rubin, J.

We concur:   Cooper, P.J.  
                 Flier, J.

B193945      True Faith Holiness Church      (Not for Publication)  
                 v.  
                 Green

The judgment is affirmed. Respondent to recover its costs on appeal.

Rubin, J.

We concur:   Cooper, P.J.  
                 Flier, J.